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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/390,928	09/07/1999	MARTIN DUURSMA	CTX-019CP(15	7827

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EXAMINER

CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 11/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/390,928

Applicant(s)

DUURSMA ET AL.

Examiner

Anita Choudhary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on September 12, 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 16-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 25 September 2000 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                     | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5,6,9,14</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed August 15, 2000 and September 15, 2000 fail to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Reference CB, CC, CD, and CE where not included and could not be found therefore where not considered.

### ***Drawings***

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on September 25, 2000 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

***Response to Amendment***

The amendment filed on September 12, 2002 under 37 CFR 1.312 has been entered. Claims 1-14 and 16-19 have been amended and are presented for further examination. New claims 20-36 have been added. Claim 15 has been cancelled.

***Response to Arguments***

Applicant's arguments with respect to claim 1-14 and 16-19 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

I. Claim 16, 17, 19, 20, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al (hereinafter Chang; US Patent 6,157,953).

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1. Chang shows a method for managing services hosted by a plurality of host servers.

Chang shows in relation to claim 16:

- Management console discovering identifications of application hosted by a plurality of servers (col. 8 lines 8-48; fig. 5).
  - A database storing information related to service application information from plurality of host servers (col. 5 lines 39-62).
  - A display creation component for creating a page identifying hosted programs available to client system (col. 13 line 65- col. 14 line 28).
  - Transmitting link to services over a connection with server host (col. 14 lines 12-28).
2. In referring to claim 17, Chang show the web server connecting with other at least one of the plurality of servers in order to obtain identification of service application hosted by those server (col. 6 lines 11-36, col. 10 lines 7-56).
  3. In referring to claim 19, Chang discloses the creation of display to show available application to client over the Internet (col. 15 line 66- col. 16 line 20). It is inherent to the Internet that web pages are transmitted using HTTP.
  4. In referring to claim 20, Chang shows client entering client credentials to web server (col. 13 line 65- col. 14 line 28).
  5. In referring to claim 22, Chang shows web server receiving information of the users who are authorized to execute requested applications and the minimum capabilities required (col. 13 lines 3-64).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claim 1, 2, 5, 6, 8-14, 21, 23, 24, 27, 28, and 30-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Regnier et al. (hereinafter "Regnier" US Patent 5,689,708) in view of Chang et al. (hereinafter "Chang" US Patent 6,157,953).

1. In referring to claim 1 and 23, Regnier teaches a resource management system in a client server network. Regnier shows client authentication and access to applications programs at a server. Regnier sets up the environment having a client requesting to execute application from server. The method comprising of:

- Client signing on at a server to obtain access to application program (col. 6 line17- col. 7 line 6).
- User selecting an application via conventional means (col. 6 line17- col. 7 line 6).
- Identity of selected application is transmitted to server (col. 6 line17- col. 7 line 6).
- If client is authenticated a positive response is sent in the form of application display interface (col. 6 line17- col. 7 line 6).

Although Regnier shows features of the claimed invention, it does not explicitly disclosed with substantial evidence a method for determining a server selected from a plurality of servers for executing application.

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Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Reginer, as evidenced by Chang.

In an analogous art, Chang et al. shows a method for accessing web server to obtain access to plurality of other servers hosting services and a means for selecting a server from a plurality of servers to execute an application service (see summary). Chang discloses:

- A plurality of services register at the web server (col. 8 lines 7-48).
- The web server knowing which server selected from a plurality of servers is used for executing user selected application program (col. 5 lines 39- col. 6 lines 48; col. 14 lines 21-28)
- User requests service application from web server. Web server functions to give user access to selected service application through a URL. URL's are constructed and transmitted to client. (col. 13 line 65- col. 14 line 28).

Given the system disclosed by Change et al. a person of ordinary skill in the art would have readily recognized the desirability of modifying the system disclosed by Regnier, by employing the well known feature of a web server for managing a plurality of servers in order for user to more easily access services and applications hosted by servers through the commonly used medium, the Internet.

2. In referring to claim 2 and 24, shows the web server receiving user name and password (col. 13 line 65- col. 14 line 28).

3. In referring to claim 5 and 27, Regnier discloses a method of encrypted communications between client and host (col. 7 lines 2-15).

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4. In referring to claim 6 and 28, Chang shows web server receiving and authenticating user based on entered credentials (password and user ID). Client selects and executes one of the available service applications without the requirement of any additional information (col. 13 line 65- col. 14 line 28).
5. In referring to claim 8 and 30, Chang creates URL's for each available service and it is inherent that URL can be transmitted to user in HTML page form.
6. In referring to claim 9 and 31, Chang shows available application programs in a graphical user interface (fig. 7).
7. In referring to claim 10 and 32, Chang discloses the creation of display to show available application to client over the Internet (col. 15 line 66- col. 16 line 20). It is inherent to the Internet that web pages are transmitted using HTTP.
8. In referring to claim 11 and 33, Chang shows the receiving of a request to execute and the executing of the application (fig. 8b, col. 13 lines 21-64).
9. In referring to claim 12 and 34, Chang shows executing the requested application in window in page (col. 13 lines 3 –col. 14 line 28).
10. In referring to claim 13 and 35, Chang shows client making a connection with server executing the requested program (col. 13 lines 21-40).
11. In referring to claim 14 and 36, Chang shows web server communicating with plurality of servers to determine which services are hosted by those servers (col. 8 lines 23-48).
12. In referring to claim 21, Chang shows web server receiving information of the users who are authorized to execute requested applications and the minimum capabilities required (col. 13 lines 3-64).



III. Claims 3, 7, 18, 25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Regnier in view of Chang as applied to claim 1,2 5,6, and 8-14 above, and further in view of Cook.

Although the combined teachings of Regnier in view of Chang shows substantial features of the claimed invention, as discussed above, it does not explicitly disclosed with substantial evidence SGML document indicating hosted application program. Nonetheless, this feature is well known in the art and would have been an obvious modification to Regnier in view of Chang, as evidenced by Cook.

1. In referring to claim 3,7, 18, 25, and 29, Cook discloses the handling of SGML by the host and the creation of an output in the form of SGML to the client (col. 6 lines 7-24). Given the teaching of Cook, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Regnier in view of Chang by using an SGML document for creating and page or parsing it because SGLM is an ISO standard for defining the format in a text document.

IV. Claim 4 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Regnier in view of Chang in relation to claims 1,2, 5,6, and 8-14 as discussed above and in further view of Yu et al (hereinafter Yu; US Patent 5,930,804).

Although the combined teachings of Regnier in view of Chang show substantial features of the claimed invention (discussed above) including client entering user credential, it does not explicitly disclosed with substantial evidence a biometric method of submitting client credentials

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to a host system. Nonetheless, this feature is well known in the art and would have been an obvious modification to the system disclosed by Regnier in view of Chang, as evidenced by Yu.

In an analogous art, Yu discloses a method for client to enter biometric credentials when accessing web server (col. 3 line 60 – col. 4 line 53)

Given the teaching of Yu, a person having ordinary skill in the art would have readily recognized the desirability and advantages to modifying Regnier in view of Chang, by employing a means for receiving biometric data in order to allow for a more secure means for accessing important application programs held by the host servers.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reese (US Patent 6,374,237) discloses a server for matching client request with a server best fit for client profile.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

AC  
November 12, 2002

  
GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100